



**US Army Corps
of Engineers**

Omaha District

PUBLIC NOTICE

Application No: 2001-90-285 (Second Amendment)

Applicant: Broadwater County

Waterway: Canyon Ferry Lake / Missouri River

Issue Date: March 2, 2005

Expiration Date: March 17, 2005

15 DAY NOTICE

Helena Regulatory Office 10 West 15th Street, Suite 2200 Helena, Montana 59626

**JOINT PUBLIC NOTICE
FOR PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS
AND
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

The application of Broadwater County, for approval of plans and modification/amendment of a permit previously issued under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska. **The project described herein is not being proposed by the Corps, but by the applicant; the Corps will evaluate the proposed work to determine if it is permissible under current laws and regulations.**

Description of Proposed Project: The applicant requests permission to construct a fuel dock and fuel station. The applicant has also requested permission from the US Bureau of Reclamation to dispense fuel at this location. This modification also includes a request to construct a dock system and slips for boat moorage. The floating docks will be anchored to steel piles. If the water level is high and the boat basin is inundated, the piles will be installed using a barge mounted pile driver. If the water is low and the basin is dry, or very shallow, the piles will be installed using a backhoe. Holes will be excavated, the piles set, and the holes backfilled and compacted. Drawings showing the location and extent of the project are attached to this notice. The photo below is an example of the proposed floating dock system.



Location: The proposed activity is located at the Silos Recreation Area on the west shore of Canyon Ferry Lake, in the NW1/4, NW1/4 of Section 35, Township 8 North, Range 1 East, Broadwater County, Montana.

Purpose: The purpose of the proposed amendment is to provide expanded services to the marina users, and to ensure adequate emergency and rescue equipment is on-site.

Background: A public notice was issued on January 2, 2003 describing the excavation of the boat basin and boat channel and the construction of a boat ramp at this location. The project was authorized on May 6, 2003 and the work was completed. A request for the first amendment was received on February 3, 2004, involving the relocation of the boat ramp 64 feet to the west of its authorized location, placement of two sliding docks on the ramp, and the placement of two channel markers in the approach channel. Amendment 1 was approved on February 23, 2004.

On January 31, 2005 a request for a second amendment was received, involving the boat slips, fueling station and boat house. It was not known when the original permit was issued whether or not any other facilities would be added. This proposed amendment is based on the new information. The Corps believes that the deviations from the original permit are substantive enough to warrant a period of public comment in order to assist us with determining whether or not the permit should be amended, and if so, what conditions are appropriate to protect the aquatic environment.

The applicant has submitted a Spill Prevention Control and Countermeasure Plan, which can be viewed in its entirety during business hours at the Helena Regulatory Office, by making an appointment at least 24 hours in advance. The SPCC Plan is also being reviewed by the Montana Dept. of Environmental Quality and the US Bureau of Reclamation and must be approved by those agencies in order for a Corps permit amendment to be valid.

The ordinary high water (OHW) line demarcates the Corps jurisdiction on Canyon Ferry Lake. All work below the elevation of 3798 msl requires a Corps permit. The proposed boat house and fuel storage tank will be constructed above OHW, therefore, do not require Corps authorization. The docks and fuel station will be placed below the OHW line and are the subject of this review.

401 Water Quality Certification: The Montana Department of Environmental Quality, 1520 East 6th Avenue, PO Box 200901, Helena, Montana 59620-0901, will review the proposed project with the intent to certify in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The Montana Department of Environmental Quality hereby incorporates this public notice as its own public notice and procedures by reference thereto.

Cultural Resources: The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and its current supplements, and there are no known National Register sites in the vicinity; however, we will evaluate input by the State Historic Preservation Office and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic or prehistoric properties, if warranted.

Threatened / Endangered Species: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

Evaluation Factors: The decision whether to modify the permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The

benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R.; Part 230).

Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether or not to modify the existing permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. The request must be submitted to the U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626. If it is decided that additional information is required and that a public hearing should be held, interested parties will be notified of the date, time and location.

Any interested party (particularly officials of any town, city, county, state, or Federal agency; Indian tribe; or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice should be addressed to the **U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626. Please reference the Application Number found on the first page of this notice in any correspondence.** Jean Ramer (project manager), telephone number (406) 441-1375, may be contacted for additional information. You may also fax your comments to (406) 441-1380, or email to: **Jean.L.Ramer@usace.army.mil**

Comments postmarked after the expiration date of this public notice will not be considered. Comments left on our voicemail system will not be considered.

Statutory Authorities: A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.